

REMARKS

Claims 1 - 24 are pending and stand rejected. Claims 1, 3, 12 and 23 have been amended, and new Claims 25-29 have been submitted for consideration by the Examiner. Applicants respectfully request reconsideration and allowance of the instant application.

Applicants have amended Page 5, Line 9 of the instant specification. Applicants have also amended the specification to include reference to new Figure 3. Applicants appreciate the approval of Figure 3. Please find attached hereto a formal Figure 3.

The rejection of Claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Larsen (U.S.P.N. 6,419,305B1), is respectfully traversed. Applicants reserve the right to challenge Larsen as being prior art to the instant invention.

Larsen discloses a pillar reinforcement system that is inserted into the pillar (e.g., refer to Col. 4, Lines 1-15 and Lines 25-35 of Larsen). As illustrated in Figure 5 of Larsen, the heat expandable material 16 does not extend around a periphery of the pillar reinforcement. For these reasons, Larsen does not disclose each and every aspect of Claims 1 and 5 and, therefore, cannot anticipate these claims.

The rejection of Claims 1, 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Takabatake (U.S.P.N. 5,642,914), is respectfully traversed.

Takabatake discloses a support structure for supporting a foamable material within (not between) hollow structural members (e.g., refer to Col. 1, Lines 10-17 and Lines 62-68 of Takabatake). As illustrated in Figures 1 and 2 of Takabatake, the foamable 21 does not extend around a periphery of the carrier. That is, the material 21 does not extend into Takabatake's welding area 36. For these reasons, Takabatake fails to establish a prima facie obviousness against Claims 1, 3 and 4.

The rejection of Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Larsen (U.S.P.N. 6,419,305B1), is respectfully traversed.

As recognized by the Office Action, Larsen fails to disclose using PET as the claimed tub material. Applicants respectfully submit that the absence of a claimed limitation is an indicia of unobviousness and not properly dismissed. Reference to Applicant's Detailed Description is improper. In any event, the fact that PET is a known to exist does not automatically mean that it is obvious to use PET for the inventive tub. Accordingly, Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 2, 3, 6, 7, 9-12, 14-16 and 18-24 under 35 U.S.C. 103(a) as being unpatentable over Yamamuro (U.S.P.N. 5,829,824) and Larsen (U.S.P.N. 6,419,305), is respectfully traversed. Applicants reserve the right to challenge Larsen as being prior art to the claimed invention. It is noted that Walser is not an applied reference.

Yamamuro discloses a vehicle body structure and mounting method. The structure has a specific design which is achieved by bolts and welding the components together. Yamamuro lacks any indication that a sealant or other member is to be inserted between the welded areas.

Larsen relates to a sealant that is inserted within or into certain automotive cavities (i.e., not between the components of Yamamuro). The welds of Yamamuro lack any cavities into which a sealant can be inserted (e.g., there are no gaps between the welds into which a cavity can be inserted). Moreover, there is no teaching in these references that suggest modifying the welded structure of Yamamuro to accept Larsen's sealant. Indeed, inserting the sealant of Larsen between the components of Yamamuro is contrary to specific design employed by Yamamuro. Further, Yamamuro is concerned with the lower portion of an automobile whereas Larsen is concerned with cavities in the upper portion of the automobile (e.g., refer to Col. 2, Lines 10-20 of Yamamuro and Col. 1, Lines 13-18 of Larsen). While properly combined references are available for what they would suggest to those of ordinary skill in the art, the Office must first establish that there is motivation to combine references. The structural modifications required by combining Larsen and Yamamuro (i.e., inserting the sealant of Larsen between Yamamuro's structural members), would render Yamamuro unsatisfactory for its intended purpose (e.g., refer to MPEP 2143.01). Applicants, therefore, respectfully submit that a skilled person in this art would lack the requisite motivation to combine these references and if such motivation existed, the combination is improper since modifying the welded structure of Yamamuro to accept a sealant is contrary to the purpose of Yamamuro's invention.

Assuming arguendo that there is motivation to properly combine Yamamuro and Larsen, the combination fails to disclose the claimed sealant located between the floor pan and two other automotive components as recited in Claim 21.

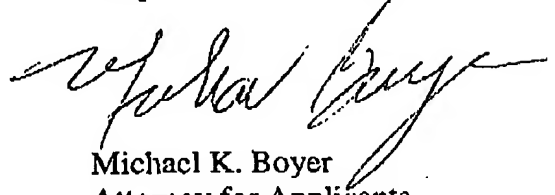
The rejection of Claims 12-24 under 35 U.S.C. 103(a) as being unpatentable over Yamamuro (U.S.P.N. 5,829,824), Takabatake (U.S.P.N. 5,642,914) in view of Larsen (U.S.P.N. 6,419,305), is respectfully traversed. It is noted that neither Walser nor Hanley '260 are applied references.

Larsen, Yamamuro, and Takabatake contain the aforementioned deficiencies. These deficiencies are not remedied by Larsen. Larsen relates to an internal sealant for cavities not disclosed by Yamamuro or Takabatake. The Office Action fails to provide the proper motivation to combine Yamamuro, Takabatake and Larsen. Assuming arguendo that these references are properly

combined, Larsen fails to disclose, teach or suggest a scalant between an automotive floor pan and other adjacent components. Accordingly, the combination cannot render the claimed invention obvious.

Should there be any fee due in connection with this application, please charge the same to Deposit Account No. 15-0680. Applicants believe that the pending claims define patentable subject matter and respectfully request issuance of a Notice of Allowability. Should the Examiner deem that any further action on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



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Encl.: Certificate of Facsimile Transmission
Formal Drawing Figure 3